

**Acton Board of Health**

**Minutes**

**June 6, 2005**

Members Present: William McInnis, Chairman, Mark Conoby, Vice Chairman, Joanne Bissetta, Member, & Roxanne Hunt, Member, Pam Harting-Barrat, Associate Member and Rita Dolan, Associate.

Staff Present: Doug Halley and Sheryl Ball.

Others Present: George Dimakarakos, Dan Linscott and Mary Michelman

The meeting was called to order at 7:38 p.m.

**Minutes**

On a motion made by Ms. Bissetta, seconded by Ms. Hunt, the Board of Health unanimously voted to approve minutes of May 23, 2005 with corrections.

**Robbins Brook Assisted Living – 886 Main Street – Aquifer Permit**

The Health Department is in receipt of an Aquifer Zone 2/3 Special Permit application for the Phase II expansion of the Robbins Brook Assisted Living facility 886 Main Street. The site is located in aquifer 1 and 2. The new phase will consist of 45-2 bedroom units (age 55 and older). The site will be served by a wastewater treatment plant, permitted under Groundwater Discharge Permit #1-655. Mr. Dimakarakos stated that the site will be expanded which will include an additional leaching area over 10,000 gpd which will require MADEP GWD approval and as part of that approval groundwater monitoring testing will be required. Mr. Harting-Barrat asked about the previous odor complaints. It was stated that an activated charcoal filter was installed in order to address the odor complaints. Mr. Linscott stated that the plant has been looked at by all professionals, including DEP and the Health Department in order to address these odor

complaints. Mr. Halley stated that currently the odor seems to be in control. Mr. Linscott stated that there is a link to the prescriptions being taken by the residents altering the chemical levels of waste water which may be causing the odors as the chemical levels are definitely impacted by the waste. Mr. Linscott also stated that additional flow going into the treatment plant would be helpful to control the odors. Mr. Conoby asked about the sewer drains and asked whether there would be any gravity lines in Zone 2 and if an oil/water separator would be installed. Mr. Conoby stated that he would like to see gravity lines located in Zone 2 double piped or wrapped. Mr. Linscott stated that the fiberglass snouts that are currently installed work similarly to an oil water separator. Mr. Conoby also asked how many gallons per day the total discharge will be. It was stated that it is 34,000 gpd. The Acton Water District has reviewed the plans and has asked for individual service taps and the recommendations have been complied with. On a motion made by Mr. Conoby, seconded by Ms. Bissetta, the Board unanimously voted to grant an Aquifer Zone Special Permit to the property located at 886 Main Street with the following conditions:

1. The facility shall, at all times, be in compliance with the parameters of MADEP GWD Permit #1-655, or any subsequent permits issued by MADEP.
2. All monitoring well and piezometer sampling results required by the MADEP GWD permit shall be reported to the Board of Health within thirty (30) days of sampling date.
3. Prior to issuance of the Certificate of Compliance for the construction of the new effluent disposal area, the applicant shall submit record drawings of all sewer lines within the entire development, both Phase I and Phase II, including profile drawings.
4. Copy of the O & M shall be submitted to the Health Department along with monthly reports.

### **28 Captain Browns Lane –Variance**

The Health Department is in receipt of letter from Peter and Paulette Farmer of 28 Captain Browns Lane regarding an existing deed restriction at their property located at 28 Captain Brown's Lane. The deed restriction limits them from expanding the square footage, as well as, its total numbers of bedrooms. The Farmer's have requested that their daughter's bedroom be relocated to help meet her needs. The roof line would need to be expanded and the square footage needs to be increased. The home was purchased by the Farmer's in May 1996 without

knowledge of the build-out restriction placed on the property by the Board of Health on May 6, 1996 restricting the increase in design flow or square footage of the building at the previous owner's request. The Health Department is in receipt of an interpretation of the build-out condition that would be beneficial to the Farmers from the DEP Northeast Regional Office. The Health Department recommends that the Farmer's send their request to the DEP Central Region for a variance requesting their approval. Mr. McInnis stated that the rationale for this increase is supported by the Board. The Health Department is seeking the Board's endorsement prior to submitting to the DEP. On a motion made by Ms. Hunt, seconded by Mr. Conoby, the Board voted to endorse and support the Farmer's request and recommends that the Farmer's submit their request for a variance to the DEP.

### **Rules and Regulations**

The Board tabled discussing the proposed regulations until a future meeting.

### **Tobacco Regulations**

Ms. Grosowsky would like the Board to review the Town of Westford Tobacco regulations which she will discuss at a future meeting. Mr. Halley stated that he would like the Board to review the proposed regulations prior to Ms. Grosowsky attending a meeting. Mr. McInnis stated that the proposed regulations are crisper than the previous bylaw which is currently outdated due to the new State Tobacco Regulation. Mr. McInnis recommended that the future Tobacco Bylaw be drawn up as a regulation and not a bylaw. Mr. Halley stated that our existing bylaw is out of date and inconsistent with State Law and that any future regulation will need to be approved at a future town meeting to rescind the existing bylaw and authorize a future regulation. Mr. McInnis asked the Board to highlight their proposed copy and bring back to a future meeting with Ms. Grosowsky present to answer questions.

### **Laurel Hill - Discussion**

Mr. Halley has worked with Town Counsel and the developers of the Chapter 40B developer of Laurel Hill and the developer has addressed all of our concerns. There will be approximately 300 units proposed at this site. If this development gets approved the town would be exempt from Chapter 40B's for three years as the town would reach the 10% requirement for affordable

housing. Mr. McInnis stated that he is concerned with giving away our approval. Mr. Halley stated that the Town typically gets involved in the wastewater aspects. Any further development at Laurel Hill would need approval from the Board including change of use, additional use or increased flows. The Board discussed the need for increased municipal service as a result of this large development. Ms. Dolan expressed the need to finance extra services to support these people. The Board of Health would need to send comments to the Board of Appeals. On a motion made by Mr. Conoby, seconded by Ms. Hunt, the Board unanimously voted to submit these recommendations as outlined to the Board of Appeals.

**Discussion –Citizen Petition for Warrant Article for June 13, 2005 Special Town Meeting**

The Town of Acton is in receipt of a Citizen Petition for a warrant article to be placed on June 13, 2005 special town meeting. Mr. Halley stated that the citizen petition stems from the landfill issues and what the Town will be doing with the existing landfill. Confusion exists as to whether or not the landfill is closed properly. The citizens group has come forward and has drawn up a proposed bylaw to restrict anything on top of the current landfill which they would like approval of at the special town meeting. It has been stated that the initial purpose of the citizens group is protecting the groundwater. As part of getting the landfill capped properly the Town was seeking a RPF to possibly sell this land off with the condition that the landfill be capped properly. Currently, the State regulations allow a certain amount of hazardous materials to be brought in as fill to cap the landfill as allowed under the environmental standards for fill materials which allow hazardous materials to be placed onto the landfill with clean fill placed on top of that. The Board stated that the petition as written only addresses one property in Acton instead of addressing all properties in Acton. Mr. McInnis stated that the Board of Health's Hazardous Materials Bylaw already addresses bringing in any Hazardous materials into Acton. Mr. Conoby stated that we should not be amending a bylaw on Town Meeting floor. The citizens group never sought Board of Health advice and or approval when drawing up this petition. Mr. Halley stated that the Board should sponsor a bylaw, seek comments from other departments and bring before Town Meeting for approval. Mr. Conoby stated that the Board should not approve this article. Ms. Michelman stated that the Board of Selectmen unanimously voted to recommend approval of this article this evening. Mr. McInnis stated that this proposed bylaw from the citizen's petition is in need of amendments and he would like the opportunity as

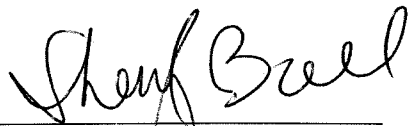
a Board to make amendments to this petition. Ms. Hunt stated that she will not recommend approval of this article. The consensus of the Board was to vote down the bylaw and work with petitioners. The Board stated that they support the concept however, as it is covered in an existing bylaw, the Hazardous Materials Bylaw, the Board would rather see the existing bylaw amended to address the citizen's groups concerns. Ms. Michelman stated that she would like this issue addressed for all properties.

The Board stated that at a preliminary glance there appears to be wording problems, no variance procedures and reference standards that the Board can't enforce as the DEP policies change all the time. Mr. McInnis asked Mr. Conoby and Ms. Harting-Barrat to be the vocal point of contact to rely the Boards opinion and our concerns to the Board of Selectmen and that we would recommend the Board of Health take no action on this article.

### **Adjournment**

On a motion made by Mr. Conoby, seconded by Ms. Bissetta, the Board unanimously voted to adjourn the meeting at 10:15 p.m.

Respectfully Submitted,



Sheryl Ball, Health Secretary

Acton Board of Health



William McInnis, Chairman

Acton Board of Health